

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-5, 8-15, 17-21, and 31 under 35 U.S.C. § 112, second paragraph, as indefinite; rejects claims 20 and 21 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejects claims 1-5, 8-15, 17-21, and 31 under 35 U.S.C. § 103(a) as unpatentable over ANDERLIND (European Patent Application Publication No. EP 1 139 608 A2) in view of RATSCHUNAS et al. (PCT Application Publication No. WO 01/28171 A1), further in view of STEVENS (U.S. Patent No. 6,745,021); and rejects claims 1-5, 8-15, 17-21, and 31 under 35 U.S.C. § 103(a) as unpatentable over ANDERLIND in view of EISINGER (European Application Publication No. EP 1 289 220 A1), and still further in view of STEVENS. Applicant respectfully traverses these rejections.

By way of the present amendment, Applicant amends claims 1, 3, 5, 9, 12, 14, 15, 17, and 19-21 to improve form. Further Applicant adds new claims 32-34. No new matter has been added by way of the present amendment. Claims 1-5, 8-15, 17-21, and 31-34 are pending.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-5, 8-15, 17-21, and 31 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicant respectfully traverses the rejection.

Without acquiescing in the rejection, but solely to expedite prosecution, Applicant amends claims 1 and 20 to address the Examiner's concerns with respect to claims 1-5, 8-15, 17-21, and 31, and in accordance with the Examiner's helpful suggestion

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-5, 8-15, 17-21, and 31 under 35 U.S.C. § 112, second paragraph.

Rejection under 35 U.S.C. § 101

Claims 20 and 21 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Without acquiescing in the rejection, but solely to expedite prosecution, Applicant amends claims 20 and 21 to address the Examiner's concerns and in accordance with the Examiner's helpful suggestion.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 20 and 21 under 35 U.S.C. § 101.

**Rejection under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS et al.,
EISINGER and STEVENS**

Claims 1-5, 8-15, 17-21, and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS. Applicant respectfully traverses this rejection.

Amended independent claim 1, is directed to a method for conditional displaying of an electronic message comprising at least one display condition including a geographical display condition for the message in a portable electronic device, the method comprising: receiving, in the portable electronic device, the message from an external device, the message being received in the portable electronic device independent of whether a geographic position of the portable electronic device fulfills the geographical display condition; determining, in the portable electronic device, the geographical position of the portable electronic device; determining, in the portable electronic device, whether the geographical position fulfills the geographical display condition of the message; and displaying the message in the portable electronic device if the geographical display condition is fulfilled. ANDERLIND, RATSCHUNAS et al., EISINGER,

and STEVENS, whether taken alone or in any reasonable combination, do not disclose or suggest one or more of these features.

For example, ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS do not disclose or suggest “receiving, in the portable electronic device, the message from an external device, the message being received in the portable electronic device independent of whether a geographic position of the portable electronic device fulfills the geographical display condition,” in combination with “determining, in the portable electronic device, whether the geographical position which fulfills the geographical display condition of the message,” as recited in claim 1, as amended.

With respect to claim 1 as previously presented, the Examiner admits that ANDERLIND does not disclose “the portable electronic device performing the functions/filtering and including the geographical display condition” (Office Action, p. 5). Further, the Examiner states that “Anderlind teaches a ‘message server’ as providing the filtering since he [ANDERLIND] claims that filtering by the mobile will cause battery drain” (Office Action, p. 5). Nevertheless, the Examiner relies on the Abstract, Fig. 1, and p. 5, line 9 – p. 6, line 32 of RATSCHUNAS et al. for allegedly disclosing “a message filtering design whereby the message can be filtered at either the network or mobile device” (Office Action, p. 6). Applicant respectfully disagrees with the Examiner’s interpretation of RATSCHUNAS et al.

At the Abstract, RATSCHUNAS et al. discloses:

The invention proposes a method for delivering messages in a network comprising at least one terminal device, comprising the steps of generating a message (S1), setting a condition for receiving the message (S2, S3), deciding whether the message is to be received by the terminal device on the basis of the condition (S5, S6), and transmitting the message to the terminal device on the basis of the result of the deciding step (S8). By this method, messages are only transmitted to a terminal device if certain condition, e.g., location conditions, are met. The invention also proposes a network system and a message generating

device, a message delivering device and a terminal device adapted to the above method.

This section of RATSCHUNAS et al. discloses that “messages are only transmitted to a terminal device if certain condition, e.g., location conditions, are met.” The Examiner states that this section of RATSCHUNAS et al. “teaches a message filtering design whereby the message can be filtered at either the network or mobile device” (Office Action, p. 6) (emphasis in original). Applicant respectfully disagrees and submits that this section of RATSCHUNAS et al. specifically discloses that “messages are only transmitted to a terminal device if certain condition, e.g., location conditions, are met” (emphasis added). In other words, this section of RATSCHUNAS et al. explicitly discloses that a terminal device does not perform message filtering based on the conditions because the terminal device does not even receive the message until after the filtering is performed.

Moreover, this section of RATSCHUNAS et al. does not disclose or suggest that a message, which is conditionally displayed, is received by the portable electronic device independently of the geographical display condition. Instead, as stated above, this section of RATSCHUNAS et al. expressly discloses that “messages are only transmitted to a terminal device if certain condition, e.g., location conditions, are met.”

Therefore, this section of RATSCHUNAS et al. cannot reasonably be construed to disclose or suggest “receiving, in the portable electronic device, the message from an external device, the message being received in the portable electronic device independent of whether a geographic position of the portable electronic device fulfills the geographical display condition,” in combination with “determining, in the portable electronic device, whether the geographical position which fulfills the geographical display condition of the message,” as recited in claim 1, as amended.

Fig. 1 of RATSCHUNAS et al. depicts components of a network system for delivering multimedia messages to a terminal device (see, for example, RATSCHUNAS et al., p. 8, lines 18-26). Further, Fig. 1 of RATSCHUNAS et al. depicts that only a server (i.e., MMSC 2) includes a mechanism to determine whether to deliver a multimedia message to the terminal device (i.e., multimedia message delivery deciding means 21). Therefore, this section of RATSCHUNAS et al. does not disclose or suggest determining whether a geographical position fulfills a geographical display condition of a message in a mobile device.

Moreover, this section of RATSCHUNAS et al. does not disclose or suggest that a message, which is conditionally displayed, is received by the portable electronic device independently of the geographical display condition. Thus, this section of RATSCHUNAS et al. does not disclose or suggest “receiving, in the portable electronic device, the message from an external device, the message being received in the portable electronic device independent of whether a geographic position of the portable electronic device fulfills the geographical display condition,” in combination with “determining, in the portable electronic device, whether the geographical position which fulfills the geographical display condition of the message,” as recited in claim 1, as amended.

At p. 5, line 1 to p. 6, line 32 (not reproduced herein for brevity), RATSCHUNAS et al. discloses that “the condition which is set for receiving or not receiving a message can be the location of the terminal,” and that “delivering of the message can be made dependent on whether the terminal, i.e., the user, is in a particular area.” However, this section of RATSCHUNAS et al. does not disclose or suggest that a message, which is conditionally displayed, is received by the portable electronic device independently of the geographical display condition. Instead, this

section of RATSCHUNAS et al. expressly discloses that the message is received “dependent on whether the terminal, i.e., the user, is in a particular area.”

Thus, this section of RATSCHUNAS et al. does not disclose or suggest “receiving, in the portable electronic device, the message from an external device, the message being received in the portable electronic device independent of whether a geographic position of the portable electronic device fulfills the geographical display condition,” in combination with “determining, in the portable electronic device, whether the geographical position which fulfills the geographical display condition of the message,” as recited in claim 1, as amended.

Moreover, Applicant submits that one of ordinary skill would not be motivated to combine the disclosure of ANDERLIND and the disclosure of RATSCHUNAS et al. Initially, Applicant notes that the Examiner admits that ANDERLIND discloses “a ‘message server’ as providing the filtering” and that “filtering by the mobile will cause battery drain” (Office Action, p. 5). Therefore, Applicant submits that the Examiner admits that ANDERLIND teaches away from providing the filtering of ANDERLIND in a mobile device. Thus, one of ordinary skill in the art would not be motivated to combine the disclosure of ANDERLIND with the disclosure of RATSCHUNAS et al., as alleged by the Examiner.

In apparent response to similar arguments made in Applicant’s Amendment After Final, filed August 3, 2010, the Examiner alleges that “[h]ence one skilled understands that Anderlind has considered the filtering to be performed at EITHER the mobile or in the network” (Office Action, p. 6). Applicant submits that the Examiner’s allegation is unreasonable. Even if the disclosure of ANDERLIND could reasonably be construed to disclose that the filtering, of ANDERLIND, could be performed at either a mobile device or in a network (a point which Applicant does not concede), ANDERLIND expressly discloses that an object of the “invention

facilitates lower power consumption and advanced longevity of battery charges by allocating filtering tasks to the wireless data server, as opposed to the mobile station” (see, for example, ANDERLIND, paragraph [0065]). Thus, to perform the filtering tasks, of ANDERLIND, at the mobile station, as alleged by the Examiner, would render the invention of ANDERLIND unsuitable for its intended purpose. Thus, one of ordinary skill in the art would not be motivated to combine the disclosure of ANDERLIND and the disclosure of RATSCHUNAS et al.

The disclosures of EISINGER and STEVENS, whether taken alone or in any reasonable combination, do not remedy the deficiencies in the disclosures of ANDERLIND and RATSCHUNAS et al. identified above with respect to claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 is patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination.

Claims 2-4 depend from claim 1. Therefore, claims 2-4 are patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Independent claim 5 is directed to a method for sending an electronic message in an electronic device, the method comprising: entering display conditions intended for a recipient of the message and set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising a geographical display condition; appending said display conditions to said electronic message; entering a receiver address of a recipient electronic device to which the electronic message should be sent; sending the electronic message including the geographical display condition to the recipient electronic device. ANDERLIND,

RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, do not disclose or suggest one or more of these features.

For example, ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, do not disclose or suggest “entering display conditions intended for a recipient of the message and set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising a geographical display condition,” as recited in claim 5.

At page 8 of the Office Action, the Examiner asserts that “[w]ith further regard to claims 5, 15, and 21, Anderlind teaches filtering a message as based on the location of the user while Ratschnas teaches filtering on various parameters (eg. location, etc) as based on the sending or receiving of a message, which reads on ‘comprising the step of entering said message, characterized by the steps of entering a at least one display condition comprising a geographical display condition for conditional displaying of the message; appending said display condition to said message.’”

Initially, Applicant submits that the Examiner mischaracterizes the expressly recited features of claim 5. Claim 5 does not recite “comprising the step of entering said message, characterized by the steps of entering a at least one display condition comprising a geographical display condition for conditional displaying of the message; appending said display condition to said message,” as alleged by the Examiner. Instead, claim 5 recites “entering display conditions intended for a recipient of the message and set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising a geographical display condition.” The Examiner fails to address these expressly recited features of claim 5. Therefore, the Examiner fails to establish a proper case of obviousness with respect to claim 5.

Moreover, even if the disclosure of ANDERLIND could reasonably be construed to disclose “filtering a message as based on the location of the user,” and the disclosure of RATSCHUNAS et al. could reasonably be construed to disclose “filtering on various parameters (eg. location, etc) as based on the sending or receiving of a message” (points which Applicant does not concede), the combination of ANDERLIND and RATSCHUNAS et al. would not disclose or suggest that display conditions are entered by a transmitting user or that the display conditions are appended to a message.

Thus, ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, do not disclose or suggest “entering display conditions intended for a recipient of the message and set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising a geographical display condition,” as recited in claim 5.

Claim 8 depends from claim 5. Therefore, claim 8 is patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5.

Independent claims 9 and 20 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, claims 9 and 20 are patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claims 10-14 depend from claim 9. Therefore, claims 10-14 are patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claims 15, 21, and 31 recite features similar to (yet possibly of different scope than) features described above with respect to claim 5. Therefore, claims 15, 21, and 31 are patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 5. Moreover, these claims are patentable over ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS for reasons of their own.

For example, claim 15 recites, among other things, “conditional display conditions comprising: a geographical area in which the electronic device should be located when the electronic message is displayed in an external device, and another geographical area in which the external device should be located when the electronic message is displayed in the external device” (emphasis added). The Examiner fails to address these specifically recited features of claim 15. Therefore, the Examiner fails to establish a proper case of obviousness with respect to claim 15. Nevertheless, ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS, whether taken alone or in any reasonable combination, do not disclose or suggest the above feature of claim 15.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-5, 8-15, 17-21, and 31 under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS et al., EISINGER, and STEVENS.

New claims

New claims 32-34 depend from claims 5, 15, and 21, respectively. Therefore, claims 32-34 are patentable over the applied references for at least the reasons given above with respect to claims 5, 15, and 21.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions regarding Official Notice, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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